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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,356	08/04/2008	Alfred Kuttenger	10191/4655	4652
26646	7590	03/17/2010	EXAMINER	
KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			ILAN, RUTH	
			ART UNIT	PAPER NUMBER
			3616	
			MAIL DATE	DELIVERY MODE
			03/17/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/594,356	Applicant(s) KUTTENBERGER ET AL.	
	Examiner Ruth Ilan	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 0209.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3616

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 8-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In an attempt to define around the prior art, in the amendment of 11/12/2009 the applicant has added the negative limitation "where the second location is not a vehicle tunnel" This amendment amounts to new matter because while the specification provides support for differing locations, there is no where in the specification as originally filed that precludes the second location, that is the location of the processor from being the vehicle tunnel.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foo et al. (US 6,095,554) in view of Davis et al. (US 5,882,034) and further in view of Stierle

Art Unit: 3616

et al. (US 2003/0195677) or Kath (US 6,533,317 B2) or Morrell (US 6,516,259.) Foo et al teaches a device for triggering a personal protection device in a vehicle including an inertial sensor system (50, 52, 22 or 34) situated in a first location in a vehicle. With respect to claim 9, the first location is either the B pillar, col. 3, line 50 or can be the tunnel, col. 5, line 40.) A processor (13) is situated in a second location and the airbag to be controlled (airbag module 18, see col. 8, line 50) which is triggered as a function of a second signal (92) is situated in a third location. The processor is a central computer (see col. 3, line 40.) The inertial sensor system has a sensor signal pre-evaluation (see col. 4, lines 12-14 and col. 5, lines 8-10.) The difference between Foo et al. and the claimed invention is that Foo et al. does not specify that the firing circuit control is located with the airbag in the third location. It is well known in the vehicle airbag art to include local firing circuit control with the individual igniters located with the airbag. Davis et al. teaches one such arrangement, And includes the benefits of reducing costs, and increasing performance and control (see col. 1, lines 35-38.) Additionally, the use of the firing circuit control located remotely with the airbag decreases the risk of electromagnetic pickup on the wiring causing inadvertent deployment (see col. 2, lines 39-46.) Based on the teaching of Davis et al., it would have been obvious to one having ordinary skill in the art at the time of the invention to include firing circuit control remotely (i.e. at the third location) in order to reduce costs, and decrease the risk of inadvertent deployment. The other difference between Foo and the claims as amended is that Foo does not specifically teach that processor is not located on the vehicle tunnel. Foo does however suggest that it is contemplated that the

Art Unit: 3616

processor is mounted separately from the accelerometers 50 and 52 which are preferably mounted on the vehicle tunnel (see col. 5, lines 40-42.) Each of Stierle et al, Kath and Morrell teach mounting the processor for an airbag control on a location other than the vehicle tunnel, and additionally separately from their sensor inputs. Stierle et al. Kath and Morrell all teach that amongst the known solutions for processor location is the dashboard or front area of the vehicle. Because Foo, Stierle et al. Kath and Morrell all teach airbag controls, with separate sensor locations, it would have been obvious to one having ordinary skill in the art at the time of the invention to mount the processor of Foo in the location suggested by Stierle, Kath or Morrell in order to achieve the predictable result of a readily mounted processor. Regarding claims 13 and 14, the Examiner takes Official Notice that the use of a BUS system and plug-in components are well known electrical expedients in the automobile art. It would have been obvious to one having ordinary skill in the art at the time of the invention to use these types of connections, as a person with ordinary skill has good reason to pursue the known options within his or her technical grasp.

Response to Arguments

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

6. The Examiner does however note the following: On page 4 of the Applicants remarks the Applicant indicates that Foo does not specifically describe the location of the control module. instead the location is implied. The Examiner disagrees with the Applicant's conclusion that "the control module 12 (and therefore the microprocessor

Art Unit: 3616

13) is always in the transmission tunnel". Foo notes specifically that the accelerometers 50, 52 don't have to be mounted on the transmission tunnel (see col. 5, line 40-42.)

7. Regarding the Applicant's argument that it is important to identify a reason that would have prompted a person of ordinary skill to modify the prior art elements, the Examiner's reason is articulated above. The amendments amount to the mere substitution of one known processor mounting location for another, and the results would have been predictable. Additionally, it is noted that there are a reasonably finite number of mounting locations for a processor in a vehicle, the dashboard as taught by the above noted references being one of the finite areas and a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references listed on the attached 892 teach airbag control arrangements of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth Ilan whose telephone number is 571-272-6673.

The examiner can normally be reached on Monday-Friday, 8:30-5:00.

Art Unit: 3616

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-7742. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ruth Ilan
Primary Examiner
Art Unit 3616

/Ruth Ilan/
Primary Examiner, Art Unit 3616